

### REMARKS

A terminal disclaimer filed herewith obviates any possible obviousness-type double patenting rejection over applicant's U.S. Patent No. 6,470,696 or applicant's allowed application 10/356,606.

Applicant has amended independent claims 1 and 37 to be identical to claims 1 and 37 of allowed application 10/356,606, except the claims of the present application do not require the environment of the second thermal sensor to be an "ambient space" with respect to the surface, to make it clear that the environment of the second thermal sensor could be outside air rather than inside air if the surface is a windscreen of a vehicle, for example. Independent claims 1 and 37 of the present application are allowable for reasons similar to the allowability of claims 1 and 37 of allowed application 10/356,606, because claims 1 and 37 of the present application require the second thermal sensor to be positioned at a sufficient distance from the surface such that a space between the surface and the second thermal sensor precludes thermal transfer between the surface and the second thermal sensor.

New independent claim 79 is identical to claim 20 of allowed application 10/356,606, except that new independent claim 79 does not recite a second thermal sensor in an ambient space with respect to the surface, and does not that the humidity sensor is in the environment of the second thermal sensor. Independent claims 79 of the present application is allowable for reasons similar to the allowability of claim 20 of allowed application 10/356,606, because independent claim 79 of the present application recites a protective enclosure enclosing at least the humidity sensor in close proximity to the humidity sensor, the protective enclosure protecting the humidity sensor from exposure to liquid water. New independent claim 86 is a method claim analogous to independent apparatus claim 79.

New independent claims 87 and 89 of the present application recite the subject matter of non-rejected but canceled dependent claim 6 of allowed application 10/356, 606, except that new independent claims 87 and 89 recite a "temperature-changing device" rather than a "cooling device." Independent claims 87 and 89 of the present application are allowable for reasons similar to the allowability of dependent claim 6 of allowed application 10/356,606, because independent claims 87 and 89 of the present application recite that the second thermal sensor is

Applicant : Valerie Palfy et al.  
Serial No. : 10/642,267  
Filed : August 18, 2003  
Page : 14 of 14

Attorney's Docket No.: 09781-007002

in thermally conductive contact with a temperature-changing device, and recite activating the temperature-changing device in order to maintain the second thermal sensor at a temperature that is different from a temperature of the first thermal sensor, and recite that the humidity sensor is in thermally conductive contact with the temperature-changing device.

Applicant asks that all claims be examined in view of the amendment to the claims.

Enclosed is a \$505 check for excess claims. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: July 11, 2004

James E. Mrose  
James E. Mrose  
Reg. No. 33,264

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331

40227445.doc5

The PTO did not receive the following  
listed item(s) ACHIEVE PAY  
\$ 505